

365.350 Actions for violations or threatened violations -- Remedies -- Actual damages need not be alleged or proved -- Costs.

- (1) The department, or any person injured by any violation, or who may suffer injury from any threatened violation of KRS 365.260 to 365.380, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin the violation or threatened violation. If a violation or threatened violation of KRS 365.260 to 365.380 shall be established, the court shall enjoin and restrain, or otherwise prohibit, the violations or threatened violation. In addition, the court shall assess in favor of the plaintiff and against the defendant the cost of the suit, including reasonable attorney's fees. It shall not be necessary that actual damages to the plaintiff be alleged or proved, but if alleged and proved, the plaintiff in the action, in addition to injunctive relief, the costs of the suit, and reasonable attorney's fees, shall be entitled to recover from the defendant the actual damages sustained by him.
- (2) If no injunctive relief is sought or required, any person injured by a violation of KRS 365.260 to 365.380 may maintain an action for damages and the costs of suit in any court of general jurisdiction.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 85, sec. 688, effective June 20, 2005. -- Amended 1990 Ky. Acts ch. 280, sec. 9, effective July 13, 1990. -- Created 1956 Ky. Acts ch. 243, sec. 11, effective May 18, 1956.